

*IN THE MATTER OF*

*: APPLICATION NO. 199701559*

*NEW HAVEN WATER*

*POLLUTION CONTROL COMPANY*

*: SEPTEMBER 8, 2004*

***FINAL DECISION***

The New Haven Water Pollution Control Authority (WPCA or applicant) has applied for a permit to operate a modified and upgraded sewage sludge incinerator at its East Shore wastewater treatment plant.<sup>1</sup> General Statutes §22a-174. In a January 22, 1999 Proposed Final Decision, the hearing officer concluded that the operation of the incinerator would be consistent with the applicable legal standards for permit issuance and would not adversely impact public health provided the applicant complies with the terms and conditions of the draft permit. The hearing officer recommended that I issue the final permit to operate based upon the terms of the draft permit, and with the additions and modifications outlined in the Proposed Final Decision.

The WPCA and intervenors Peter and Mitzi Bowman filed exceptions to the Proposed Final Decision; the applicant also requested oral argument. Briefs were timely filed by the applicant and staff and all parties were heard at oral argument on August 3, 1999. Regs., Conn. State Agencies §22a-3a-6(y).

Since that argument, the regulatory provisions pertaining to permits to construct and operate new sources of air pollution were revised, effective March 15, 2002. Additional revisions to pertinent regulations became effective on April 1, 2004. Regs., Conn. State

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<sup>1</sup> WPCA currently operates the incinerator pursuant to the terms of Consent Order 1522, which incorporates the terms of a temporary operating permit. (Proposed Final Decision Findings of Fact 6 through 8, p. 3.)

Agencies §§22a-174-3, 22a-174-4, 22a-174-7 and 22a-174-18. The Bureau of Air Management revised its permit format to conform to these regulatory changes.

At my direction, staff submitted a revised draft permit on August 11, 2004 that conforms to current DEP permit formats and revised regulatory requirements. Staff also corrected and incorporated the hearing officer's proposed modifications as set forth in his Proposed Final Decision and corrected certain other terms and conditions of the original draft permit. Staff determined that additional information required by the revised regulations had been received from the applicant and recommended that the revised draft permit be accepted as the permit to operate the applicant sewage sludge incinerator.<sup>2</sup> Neither the applicant nor the intervenors have filed any objections to staff's submissions.

The terms and conditions of the revised draft permit accurately reflect the permit terms and conditions that were the subject of these proceedings with one exception. Part VII, Table I of the revised draft permit must be revised to reflect an emissions limit of 32.93 tpy for NOx emissions as originally requested by the applicant and as stated in the original draft permit.<sup>3</sup>

I have reviewed the record and considered the arguments raised by the applicant, intervenors and staff in the briefs and at oral argument. I find that the terms and conditions for the operation of the modified incinerator set forth in the revised draft permit are consistent with relevant statutes and regulations. I therefore affirm the Proposed Final Decision and issue the revised draft permit, as modified herein, as the applicant's permit to operate.

September 8, 2004

Date

/s/ Arthur J. Rocque, Jr.

Commissioner

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<sup>2</sup> I have admitted the revised draft permit with a staff memorandum of explanation as Exhibits DEP-25 and DEP-26 respectively.

<sup>3</sup> Exhibits DEP-11 and DEP-14.